



ANNO QUADRAGESIMO SEXTO

# GEORGI II. REGIS.



## Cap. 92.

An Act for improving the *Birmingham Canal Navigations*.  
[3d July 1806.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign 8 G. 3.  
of His present Majesty for making and maintaining a navigable Cut or Canal from *Birmingham* to *Bilston*, and from thence to *Autherley*, there to communicate with the Canal between the Rivers *Severn* and *Trent*, and for making collateral Cuts up to several Coal Mines, whereby certain Persons were made One Body Politic and Corporate, by the Name and Style of *The Company of Proprietors of the Birmingham Canal Navigation*: And whereas an Act was passed in the 9 G. 3.  
Ninth Year of His said present Majesty's Reign to rectify a Mistake in the said first-mentioned Act, and to explain and amend the same Act: And 23. G. 3.  
whereas another Act was passed in the Twenty-third Year of His said present Majesty for making and maintaining a navigable Canal from a Place near *Rider's Green*, in the County of *Stafford*, to *Broadwater Fire Engine*, and Six collateral Cuts from the same to several Coal Mines, and also a navigable Canal from or near the Town of *Birmingham* to join the *Conventry Canal* at or near *Fazeley*, in the Parish of *Tamworth*, in the said County of *Stafford*, with a collateral Cut to the lower Part of the said Town of *Birmingham*, whereby several Persons were made One Body Politic and Corporate, by the name of *The Company of Proprietors of the Birmingham and Fazeley Canal Navigation*: And whereas another Act was passed in the Twenty-fourth Year of the Reign of His said present Majesty, for 24 G. 3.  
[*Loc. & Per.*] 21 L incorpo-

34 G. 3.

incorporating the said Two Companies of Proprietors, and for consolidating their Shares, and amending the said Act of the Twenty-third of His present Majesty, whereby the said Two Companies were united and incorporated together, and made One Body Politic and Corporate, by the Name of *The Company of Proprietors of the Birmingham, and Birmingham and Fazeley Canal Navigations*: And whereas an Act was passed in the Thirty-fourth Year of the Reign of His said present Majesty, intituled *An Act for extending and improving the Birmingham Canal Navigations*, wherein it is enacted, That, from and immediately after the passing of the said Act, the said Company of Proprietors shall be incorporated, styled, and called by the Name of *The Company of Proprietors of the Birmingham Canal Navigations*, instead of the Name of *The Company of Proprietors of the Birmingham, and Birmingham and Fazeley Canal Navigations*: And whereas in pursuance of the Powers granted by the said several Acts the said Company of Proprietors have made navigable Canals from *Birmingham*, in the County of *Warwick*, to communicate with the Canal Navigations between the Rivers *Severn* and *Trent*, and from *Birmingham* aforesaid, to *Fazeley* and *Whittington Brook*, which have opened navigable Communications with the *Coventry Canal*, and the Canal from the *Trent* to the *Mersey*, and have also completed Canals and Cuts to the lower Part of the Town of *Birmingham*, and to the extensive and valuable Mines of Coal, Ironstone, Limestone, and Pot Clay, in the Parishes of *Wednesbury*, *Tipton*, *Sedgley*, *Wolverhampton*, and *West Bromwich*, and to the Borough of *Walsall*, in the said County of *Stafford*: And whereas the said Company of Proprietors have already expended large Sums of Money in the Improvement of the Navigation of their said Canal by cutting down the Summit thereof, and thereby reducing the Lockage thereon, and in cutting off certain Bends in the said Canal, and also by the Construction of Steam Engines obtaining a more regular and sufficient Supply of Water: And whereas further Improvements are practicable, which will make the Line of Navigation of the said Canal considerably shorter and more commodious, and will be of great public Utility; and the said Company of Proprietors are willing and desirous at their own Expence to make such further Improvements as from Time to Time may become expedient and necessary for public Accommodation, in case the Tolls, Rates, Duties, and Compensations now received, are not diminished: And whereas the Tolls, Rates, and Duties upon Coal, and other Articles navigated upon the said Canal, in most Cases arise to the said Company of Proprietors of the said Canal in proportion to the Distance or Length of Navigation thereon, and it would be unreasonable that they the said Company of Proprietors should be deprived of any Part or Proportion of their said Tolls, Rates, Duties, and Compensations by or in consequence of any Improvements made, or which they may hereafter make in the Line and Navigation of their said Canal; in order therefore that the same Tolls, Rates, Duties, and Compensations may be effectually secured to them the said Company of Proprietors, their Successors and Assigns, and to promote the public Benefit by further Improvements in the said Navigation and Line of Canal: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That notwithstanding any Diminution or shortening the Length of the Line of the said Canal, in consequence of any

Tolls not to  
be lessened  
on account.

any such Improvement or Improvements which hath or have been or which shall hereafter be made by the said Company of Proprietors, their Successors or Assigns, it shall nevertheless be lawful for the said Company of Proprietors, their Successors and Assigns, and they are hereby authorized and empowered to collect, recover, and receive, to and for their own Use and Behoof, such and the same Tolls, Rates, Duties, and Compensations for the navigating those Parts so shortened or to be shortened as aforesaid, and every other Part and Parts of the Line of Canal as heretofore have been and are now collected and received for and in respect to the Tonnage and Wharfage of Coals, and other Minerals, Timber, Goods, Wares, Merchandises, and Commodities whatsoever, navigated, carried, or conveyed upon the said Part or Parts of the original Line of the said Canal, and such and the like Tolls, Rates, Duties, and Compensations shall from Time to Time and at all Times for ever hereafter be payable to them the said Company of Proprietors, their Successors and Assigns, without any Deduction or Abatement upon account of the Diminution of the Length of Line and Navigation of the said Canal, or upon any other Account or Pretence whatsoever, excepting only in case of any Reduction which may be made in the said Duties by Order or Direction of the said Company of Proprietors, or their Successors, as hereafter is mentioned and provided.

of the shortening of the Canal.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, at their own proper Costs and Charges, by themselves, their Agents, Deputies, and Workmen, to make, erect, execute, do, and perform all such Works, Conveniences, Matters, and Things as shall be requisite and necessary for making, completing, maintaining, and using the several Improvements which may from Time to Time become proper and requisite for making the said Canal more commodious, for shortening the Line and Navigation thereof, and for supplying the same with Water, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the said Company of Proprietors are authorized and empowered to do, execute, and perform, under and by virtue of the said recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His said present Majesty, with respect to the navigable Canals, Cuts, and other Works authorized to be made by the said Act of the Twenty-third Year of the Reign of His present Majesty, and that the said recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His said present Majesty, and the several Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Punishments, Provisions, and all other Matters and Things in the said Acts, or either of them contained, so far as the Nature and Circumstances of the Case will admit (save and except so much of the said Acts as relate to Exemptions from Stamp Duties, and except as to the taking of Lands without the Consent of the Owners and Occupiers thereof, and also excepting where the same are in other respects altered and varied by this Act) shall be used and exercised by the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Servants, and shall be applied, enforced, and put in execution for making, completing, preserving, maintaining, and using the said several Works, Matters, and Things hereby and by the said Act of the Eighth Year of the Reign of His present Majesty authorized to be made, erected, executed, and performed, for the Convenience, Benefit, and Accommodation of the said Canal, and also for making any Railways or Roads to or from any

Powers of 23 & 24 G. 3. to regulate this Act.

any improved Part of the said Canal, or any Part which, with the Consent of the Owners of the Land, and not otherwise, to be taken for the Purpose, may be hereafter altered and improved, and for defraying the Expence of such Railways or Roads, and shall and may also be used and exercised by the Owners and Proprietors of Lands and Mines lying near or adjoining to the said Part or Parts of the said Canal hereafter to be improved, or any of them, in such and the like Manner, and as fully and effectually to all Intents and Purposes, except as herein-before excepted, as if the several Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Punishments, Provisions, Matters, and Things contained in the said recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His present Majesty, except as herein-before excepted, and which are now in force, were repeated and re-enacted in the Body of this Act.

Application  
of Compensation when  
exceeding  
200*l*.

III. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of the *Birmingham* Canal Navigations, together with the Names of Three of the Commissioners for executing the said Acts, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time

Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

IV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Compensation does not exceed 200%. nor less than 20%.

V. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Commissioners or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20%.

VI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners or any Three of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Three or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul,

In case of not making out Title, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, by Motion or Petition.

and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum and Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Cashier of the Bank to give a Receipt for such Money.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, &c.

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

VIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this and the said recited Acts, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Posts to be affixed to denote Diminution of Line.

IX. Provided always, and be it further enacted, That in every Case in which the said Company of Proprietors, their Successors or Assigns, have made or shall make any Improvement or Improvements in the Line

of the said Canal, by diminishing the Length thereof, it shall be lawful for the said Company, their Successors and Assigns, and they are hereby authorized and required to fix Posts or other Marks, dividing such shortened Line into a Number of proportional Spaces corresponding to the Miles or Parts of Miles on the original Line of the said Canal, in order that the Rates and Duties chargeable and payable under this Act, in respect of Tonnage and Wharfage on such short Line, may be duly and easily ascertained.

X. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, and they are hereby authorized and empowered from Time to Time, at any Special or General Meeting or Meetings, Assembly or Assemblies, to be holden in pursuance of and in conformity with the Directions of the said recited Acts, to lessen and reduce the Tolls, Rates, and Duties severally payable upon Small or Slack Coal to be used or consumed in the working of Steam Engines, and also upon Building Stone, Building Bricks, Common Brick Clay, Sand, and Iron Ore, or any or either of them; and at any such Special or General Meeting or Meetings, Assembly or Assemblies, to raise and advance such Rates upon all, any, or either of the Articles so reduced, provided that the same when so advanced or raised again do not exceed the respective Sums by the said recited Acts or any of them authorized to be taken.

Power to reduce Tonnage on Slack Coal, &c.

XI. Provided always, and be it further enacted, That no Lands shall be had or taken for any further Works, Improvements, or Alteration of such Line as aforesaid, without the Consent of the Owner or Owners thereof, and Payment being made or Security given for the Value thereof in Money, or an annual Rent, at the Option of the Owner or Owners of such Lands respectively.

No Land to be taken without Consent of Owner.

XII. Provided also, and be it further enacted, That no Part or Parts of the original Line of the said Canal shall be filled up without the Consent thereto being first had under the Hand or Hands of the Owner or Owners of the Lands or Grounds respectively through which the same passes, which Consent shall be filed with the Clerk of the said Company of Proprietors, together with an accurate Plan thereof, to which all Person or Persons shall from Time to Time have Access to inspect, and full Liberty to take Copy or Copies thereof.

No Part of original Line to be filled up without Consent of Land Owner.

XIII. And whereas the Breadth of the Lands to be taken for any of the Purposes of the Navigation of the said Canal is by the said Acts of the Eighth and Twenty-third Years of the Reign of His said present Majesty limited to Sixty Yards: And whereas in the Removal of Six Locks erected upon the original Line of the said Canal at *Smethwick* in the said County of *Stafford*, and thereby reducing the Height, and greatly extending the Length of the Summit thereof, it was necessary to purchase and take Lands to a much greater Extent than the Width of Sixty Yards for the Slopes, and for the Purpose of laying and depositing the Earth and Soil taken out of such original Summit; and in divers other Parts and Places it hath been found necessary considerably to increase the Width of the original Bed of the said Canal, and the Embankments and Towing Paths thereof, in doing which the said Company of Proprietors have unavoidably become possessed of Lands not now necessary for the Purposes aforesaid; be it therefore enacted, That such Parts of the said recited Acts

Recites Breadth of Canal confined to 60 Yards, by 8th and 23d.

Repeals such Limitation.

of the Eighth and Twenty-third Years of the Reign of His said present Majesty as limit the Width of Lands to be had and taken for the Purposes of the said Canal and Navigation, shall be and the same are hereby repealed; and that such Lands as have heretofore been taken, and are now used and necessary for such Purposes, and such as may hereafter be purchased or taken with the Consent of the Owners thereof as aforesaid, for the Purposes only of the said Canal and the Navigation thereof, are and shall be vested in the said Company of Proprietors and their Successors.

The Company may sell overplus Lands.

XIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they and their Successors are hereby authorized to sell and dispose of such Lands as are or shall or may hereafter become unnecessary for the Purposes of the said Canal, and by Writing under their Common Seal, to convey the same to the Purchaser or Purchasers thereof, according to the Form prescribed in this present Act, for the Conveyance of Lands to the said Company, or to the like Effect; and every such Sale and Conveyance shall be valid and effectual, and the Money arising thereby shall be applied for the Purposes of the said several recited Acts and this Act.

Before Lands &c. are resold, the Company to offer the same to the Persons from whom purchased.

XV. Provided always, and be it further enacted, That the said Company of Proprietors, before they shall sell and dispose of such Lands, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Lands (in case such Person or Persons shall then be in that Part of the United Kingdom called *England*), and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Lands shall lie, by some Person or Persons no way interested in the said Lands, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be).

XVI. And be it further enacted, That all Conveyances of any Lands or other Hereditaments to be made to the said Company of Proprietors by virtue of the said several recited Acts or this Act shall be made according to the Form following; (*videlicet*),

Form of Conveyance of Lands to the Company.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ to me paid [*or*, in consideration of the \_\_\_\_\_  
 ‘ \_\_\_\_\_ annual Rent of \_\_\_\_\_ to me to be hereafter yielded  
 ‘ and paid by Yearly or Half-yearly Payments, *as may be agreed on*] by  
 ‘ the Company of Proprietors of the *Birmingham* Canal Navigations, do  
 ‘ hereby grant and release to the said Company all [*describing the Premises*  
 ‘ *to be conveyed*] and all my Right, Title, and Interest to and in the same,  
 ‘ and every Part thereof, to hold to the said Company, their Successors and  
 ‘ Assigns, for ever, by virtue and according to the true Intent and Meaning  
 ‘ of the several Acts passed for making, maintaining, extending, and im-  
 ‘ proving the said *Birmingham* Canal Navigations. In Witness whereof I  
 ‘ have



have hereunto set my Hand and Seal this Day of  
in the Year of our Lord

Which said Conveyance shall be kept by the Clerk of the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words; and every such Conveyance as aforesaid which shall be made to any Person or Persons, other than the said Company of Proprietors, shall be according to the following Form; (*videlicet*),

I *A. B.* of do hereby by virtue and in pursuance of  
a certain Act, intituled [*insert the Title of this Act*] and by and with  
the Consent and Approbation of or more of the  
Commissioners appointed under or by virtue of the said Acts or either  
of them, testified by their Signature hereto, and in Consideration of  
the Sum of to me in Hand paid by *C. D.* at or  
before the Sealing and Delivery of these Presents, the Receipt whereof  
I do hereby acknowledge [*or in Exchange for certain Lands situate  
conveyed to me by C. D. by Writing under  
his Hand and Seal, bearing even Date herewith*] convey and assign to the  
said *C. D.* all [*describe the Premises*] to hold to the said *C. D.* his Heirs  
and Assigns for ever. As witness my Hand and Seal, this  
Day of

And every such Conveyance shall be valid and effectual: Provided always, that all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, Tenements, and Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender, in such and the same Manner as is mentioned and described in the said Act of the Eighth of His present Majesty, and as if this Act had not been made.

XVII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes both Great and Small, which would have been issuing from or out of the Lands, which shall be taken or made use of by them for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have become entitled to such Tithes, according to their respective Interests therein; such Tithes to be estimated at the average Value of Four Years, commencing at *Michaelmas Day* One thousand eight hundred and two, and ending at *Michaelmas Day* One thousand eight hundred and six; such Value to be ascertained (in case of any Difference concerning the same) by Commissioners of a Jury, in like Manner as the Value of other Lands or Hereditaments is directed to be ascertained by the said Act of the Twenty-third of His present Majesty: Provided always, that such Recompence and Satisfaction shall be made to all Spiritual Persons by an annual Rent.

For making  
Compensa-  
tion for  
Tithes.

XVIII. And be it further enacted, That in case the Owner or Owners of any Boat or Barge, or other Vessel employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Ser-  
[*Loc. & Per.*] 21 N vants

Owners of  
Vessels who  
shall pay any  
Penalty or  
Satisfaction  
for their Ser-  
vants to be  
reimbursed  
by them.

vants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Satisfaction for Damages (with the Costs thereof) to such Owner or Owners, and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is to be recovered by virtue of the said recited Act of the Twenty-third of His present Majesty.

Power to raise  
100,000*l.* by  
Annuities.

XIX. And whereas by virtue and in pursuance of the said several recited Acts, or some of them, the said Company of Proprietors have borrowed several Sums of Money on Mortgage of the Tolls, Rates, or Duties to be collected on the said Canal, and there now remains due and owing on such Mortgages the Sum of One hundred thousand Pounds and upwards, and it is by the said Company of Proprietors considered that it may be more advisable for them and their Successors to borrow different Sums on Annuities, in order to pay off and discharge such Mortgages; be it therefore further enacted, That in case the said Company of Proprietors shall think it more advisable or proper to raise the said Sum of One hundred thousand Pounds and upwards, or any Part thereof, by granting Annuities with Benefit of Survivorship or otherwise, payable out of the said Rates or any of them, then it shall be lawful for the said Company to raise any such Money by the granting of such Annuity or Annuities as aforesaid, to or for the Use of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Company of Proprietors any such Sum or Sums of Money as the said Company shall agree upon, for the absolute Purchase of any such Annuity or Annuities to be paid and payable for any Term or Number of Years, or during the natural Lives of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in the said Canal, and the Rates to arise by virtue of the said several recited Acts and this Act, or any Part thereof, as a Security or Securities for any Annuity or Annuities, or any Sum or Sums so to be borrowed, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees.

Form of An-  
nuity, and  
Form of  
Transfer  
thereof.

XX. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed under the Common Seal of the said Company, according to the Form following; (that is to say),

WE, *The Company of Proprietors of the Birmingham Canal Navigation,*  
in Consideration of the Sum of  
to us paid by *A. B.* of \_\_\_\_\_ do hereby, by virtue of  
an Act passed in the Forty-sixth Year of the Reign of King George the  
Third, intituled *An Act [here insert the Title of this Act]* grant unto the  
said *A. B.* one Annuity or yearly Sum of \_\_\_\_\_ to be  
issuing



Annuities to be paid prior to Dividends.

XXI. And be it further enacted, That the Annuities so to be granted shall be paid Half-yearly to the Person or Persons entitled thereto, in Preference to any Dividends which shall be ordered, made, or paid to the Proprietors of the said Navigation, in respect of their Shares in the said Navigation, which they are or shall be entitled to by virtue of and under the said several recited Acts, any or either of them.

Limiting the Sum to be raised by Annuities, and its Application.

XXII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors or their Successors, to raise by granting Annuities as aforesaid, by virtue of this Act, any further Sum or Sums of Money than what the said Company of Proprietors shall deem necessary and expedient to discharge the Sums due and owing on Mortgage or Mortgages as aforesaid, not exceeding the said Sum of One hundred thousand Pounds; and the same to be by them applied for no other Purpose whatsoever than in discharging or towards discharging the Sums due on Mortgage or Mortgages as aforesaid.

XXIII. And for the more easy and speedy Conviction of Offenders against the said recited Acts or this present Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect [as the Case shall happen]; videlicet,

Form of Conviction.

County of } BE it remembered, That on the Day  
 of } in the Year of our Lord  
 A. B. is convicted before me C. D. One of  
 His Majesty's Justices of the Peace for the said County [specifying the  
 Offence, and Time and Place when and where the same was committed.]  
 Given under my Hand and Seal the Day and Year aforesaid.

Public Act.

XXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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